

AMENDED IN ASSEMBLY JANUARY 21, 2010

AMENDED IN ASSEMBLY APRIL 13, 2009

CALIFORNIA LEGISLATURE—2009—10 REGULAR SESSION

## ASSEMBLY BILL

**No. 781**

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**Introduced by Assembly Member Jeffries**

February 26, 2009

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An act to add ~~Chapter 13 (commencing with Section 3650) to Division 4 of Title 1 of the Government Code, relating to public employment. Sections 7294.1 and 7299.7 to the Government Code, relating to bilingual services.~~

### LEGISLATIVE COUNSEL'S DIGEST

AB 781, as amended, Jeffries. ~~Public employment: language. Bilingual services.~~

Existing law ~~deems the opportunity to seek and obtain employment without discrimination, as specified, to be a civil right. Existing law prohibits an employer from refusing to hire a person, or taking certain other actions, based on specified characteristics, unless based on a bona fide occupational qualification, the Dymally-Alatorre Bilingual Services Act, requires every state agency, except as specified, that is directly involved in the furnishing of information or the rendering of services to the public whereby contact is made with a substantial number of non-English-speaking people to employ a sufficient number of qualified bilingual persons in public contact positions. Existing law also requires that any materials explaining services available to the public be translated into any non-English language spoken by a substantial number of the public served by the agency. Existing law imposes specified reporting requirements related to these provisions.~~

~~This bill would prohibit a city, county, or state governmental entity or local agency from discriminating against an employee or an applicant for employment on the basis of the ability of the employee or applicant to speak a language other than English, unless an ability to speak a language other than English constitutes a bona fide occupational qualification imposing or implementing an action or decision pursuant to these provisions as a pretext for discrimination on the basis of race, national origin, or other unlawful discrimination in employment, including any requirement that an employee be bilingual, as specified. The bill would also require that all information and reports required by the provisions of existing law described above shall be public information unless otherwise restricted by law.~~

Vote: majority. Appropriation: no. Fiscal committee: no.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1     SECTION 1. Section 7294.1 is added to the Government Code,  
2     to read:  
3     7294.1. No state or local agency shall impose or implement  
4     an action or decision pursuant to this chapter as a pretext for  
5     discrimination on the basis of race, national origin, or other  
6     unlawful discrimination in employment, including any requirement  
7     that an employee be bilingual. An action or decision taken for the  
8     purpose of fulfilling the requirements of this chapter shall not be  
9     considered a pretext for discrimination.  
10    SEC. 2. Section 7299.7 is added to the Government Code, to  
11    read:  
12    7299.7. All information and reports required by this chapter  
13    shall be public information unless otherwise restricted by law.  
14    SECTION 1. ~~Chapter 13 (commencing with Section 3650) is~~  
15    ~~added to Division 4 of Title 1 of the Government Code, to read:~~  
16  
17    ~~CHAPTER 13. DISCRIMINATION IN PUBLIC EMPLOYMENT~~  
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19    ~~3650. A city, county, or state governmental entity shall not~~  
20    ~~discriminate against an employee or an applicant for employment~~  
21    ~~on the basis of the ability of the employee or applicant to speak a~~  
22    ~~language other than English, unless an ability to speak a language~~

- 1 ~~other than English constitutes a bona fide occupational~~
- 2 ~~qualification.~~

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